

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RAUL UVENCE, et al.,

Plaintiff(s),

v.

GEICO CASUALTY COMPANY, et al.,

Defendant(s).

Case No. 2:15-CV-1415 JCM (NJK)

ORDER

Presently before the court is defendant Geico Casualty Company's ("Geico") motion for summary judgment. (ECF No. 19). Plaintiff Juan Uvence filed a response. (ECF No. 22). No reply has been filed, and the time for doing so has passed.

This case involves insurance claims arising from an automobile collision that occurred on May 17, 2012. The plaintiffs filed suit in the Eighth Judicial District Court, Clark County, Nevada on June 25, 2015, alleging breach of contract, tortious bad faith breach of contract, and a violation of Nev. Rev. Stat. 686A.310, Unfair Claims and Practices Act. (*See* ECF No. 1-1). Defendant Geico then removed the case to this court.

After Geico filed the motion for summary judgment, the parties filed stipulations and proposed orders for private binding arbitration, to stay court proceedings, and to dismiss with prejudice plaintiff's second and third causes of action and plaintiff's claims for punitive and exemplary damages (ECF Nos. 25, 26). The parties agreed that plaintiff's only remaining claim, breach of contract, would be resolved through binding arbitration. (*See* ECF No. 25). The parties also agreed that the matter would be stayed pending the completion of the arbitration and expressly waived any right to trial by a judge or jury and any right to appeal the arbitrator's award or any other order made by the arbitrator. (*See id.*). Further, upon the binding decision of the arbitrator

1 regarding plaintiff's breach of contract claim, the parties stipulate to dismissal of this action, with  
2 prejudice. (*See id.*).

3 The court granted both stipulations. (ECF Nos. 29, 30). Defendant's motion is therefore  
4 moot.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Geico  
7 Casualty Company's motion for summary judgment (ECF No. 19) be, and the same hereby is,  
8 DENIED as moot.

9 DATED June 22, 2016.

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12 UNITED STATES DISTRICT JUDGE  
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